

United States Government

NATIONAL LABOR RELATIONS BOARD

Region 6

1000 Liberty Avenue - Room 1501

Pittsburgh, PA 15222-4173

Telephone: (412) 395-4400

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Region6@nrlrb.gov

May 4, 2005

Re: [Graham Automotive, Inc. d/b/a Valley
Honda
Case 6-RD-1552](#)

[Mr. William C. Bonney
26 Burrell Hill Road
Penn, PA 15675](#)

Dear Mr. Bonney:

Your petition seeking an election among certain employees of Graham Automotive, Inc. d/b/a Valley Honda has been carefully investigated and considered.

Decision to Dismiss: Based on that investigation, I have concluded that further proceedings are not warranted and I am dismissing your petition for the following reasons:

[In the March 10, 2005, Decision and Direction of Election in Case 6-RD-1552, I found that since the alleged collective bargaining agreement between the Employer and the Union had not been signed by both parties prior to the filing of the petition, that agreement did not act as a contract bar to the processing of your petition. As a result, I directed that an election be held.](#)

[Subsequent to the issuance of that Decision, however, the Union filed an unfair labor practice charge against the Employer in Case 6-CA-34581 alleging that the Employer unlawfully delayed and refused to sign the contract. As a result of the investigation of that charge, it does not appear that further proceedings are warranted on your decertification petition. On April 20, 2005, I issued a Complaint and Notice of Hearing in Case 6-CA-34581, a copy of which is enclosed, alleging that the Employer violated Section 8\(a\)\(1\) and \(5\) of the Act by its refusal to execute the contract proffered by the Union since January 31, 2005, nine days before the filing of the petition. If the allegations of the Complaint are sustained, I would be required to conclude that a signed agreement, sufficient to act as a contract bar, would have been in place but for the alleged unlawful refusal by the Employer to execute it. Under these circumstances, I must dismiss your decertification petition, subject to reinstatement depending upon the outcome of the unfair labor practice proceedings. See, Section 11733.2\(a\)\(2\) of the NLRB Casehandling Manual.](#)

[Because the dismissal of your petition is based upon the conduct which is in issue in Case 6-CA-34581, your petition is subject to reinstatement, if appropriate, upon your application, after disposition of that case. Therefore, to insure notification of disposition of the unfair labor](#)

practice proceeding, you will be considered a party-in-interest to the unfair labor practice proceeding, limited solely to the receipt of a copy of the order or other documents which operates to finally dispose of the proceeding.

Your Right to Obtain a Review of Dismissal Action: Pursuant to the National Labor Relations Board Rules and Regulations, Series 8, as amended, any party may obtain a review of this action by filing a request for review with the Executive Secretary of the National Labor Relations Board at 1099 – 14th Street, NW, Washington, DC 20570-0001. A request for review may not be filed by facsimile. You may, however, file a request for review electronically via the Internet in accordance with instructions previously provided to the parties. Those instructions may also be found at the Agency's Internet website at www.nlr.gov under "E-Gov". If you file a request for review, you must also send a copy to the other parties to this proceeding and to me in the same or faster manner as that used to serve the Board. Also, please note the following:

Request for Review Due date: The request for review must be received by the Executive Secretary for the Board in Washington, DC by the close of business at **5:00 p.m. EST (EDT)** on **May 10, 2005**. However, if you mail the request for review, it will be considered timely if it is postmarked no later than one day before the due date.

Extension of Time to File Request for Review: Upon good cause shown, however, the Board may grant special permission for a longer period within which to file a request for review. Any request for an extension of time may be filed in writing, by facsimile or electronically via the Internet, but must be received in Washington, DC no later than the request for review due date indicated above. A copy must be sent to each of the parties to this proceeding and to me in the same or faster manner as that used to serve the Board.

Request for Review Contents: The request for review must contain a complete statement setting forth the facts and the reasons that support your request for review of the decision to dismiss the petition. The request for review and any request for extension of time must include a statement as to the manner of service on the other parties to this proceeding and on me.

Very truly yours,

Gerald Kobell
Regional Director

SEE PAGE 3 FOR PARTIES RECEIVING COPIES:

Graham Automotive, Inc. d/b/a Valley Honda
Case 6-RD-1552

PARTIES RECEIVING COPIES:

cc:

Lester A. Heltzer, Executive Secretary
National Labor Relations Board
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